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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: August 30, 2004 Name: Cyrus F. Bharucha

Signature: Cyrus Bharucha

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Timothy J. Shuttleworth, et al.

Appln. No.: 10/669,290

Filed: September 24, 2003

For: Ambient Noise Sound Level Compensation

Attorney Docket No: 11336/230 (P02069US)

Examiner: Not Yet Assigned

Art Unit: 2644

[Choose Mail Stop or blank line]

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement (in duplicate), Form PTO-1449, Copies of Cited References A7-A16.  
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

8/30/2004

Cyrus F. Bharucha (Reg. No. 42,324)

**CERTIFICATE OF MAILING**

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August 30, 2004

Date of Deposit

Cyrus F. Bharucha

Name of Applicant, Assignee or  
Registered Representative



Signature

August 30, 2004

Date of Signature

Our Case No.: 11336/230 (P02069US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Timothy J. Shuttleworth, et al.

Serial No.: 10/669,290

Filing Date: September 24, 2003

For: AMBIENT NOISE SOUND LEVEL COMPENSATION

Examiner: Not yet assigned

Group Art Unit No.: 2644

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed non-US patent documents required by 37 C.F.R. § 1.98(a)(2) (and the July 11, 2004 waiver) are enclosed for the convenience of the Examiner.

The references now cited are the following:

No.	Date	Name
4,479,237	10-23-1984	Sugasawa
4,641,344	02-03-1987	Kasai et al.
4,944,018	07-24-1990	Bose, et al.
5,208,866	05-04-1993	Kato et al.
5,872,852	02-16-1999	Dougherty
5,907,622	05-25-1999	Dougherty

OTHER ART – NON PATENT LITERATURE DOCUMENTS	
(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
Brochure for LynTec CrowdComp, <a href="http://www.lyntec.com/body_c3.htm">http://www.lyntec.com/body_c3.htm</a> , downloaded June 25, 2003, 2 pages.	
<i>The LynTec CrowdComp™ always knows when to speak UP</i> , <a href="http://www.lyntec.com/139-0146-01_C3_Broch.pdf">http://www.lyntec.com/139-0146-01_C3_Broch.pdf</a> , downloaded June 25, 2003, 4 pages.	
<i>Symetrix 371 SPL Computer</i> , <a href="http://www.symetrixaudio.com/Products/371.htm">http://www.symetrixaudio.com/Products/371.htm</a> , downloaded June 25, 2003, 2 pages.	
Datasheet for Symetrix 371 SPL Computer, 2001, "371data.pdf," downloaded from <a href="http://www.symetrixaudio.com/">http://www.symetrixaudio.com/</a> on June 25, 2003, 2 pages.	
Circuit drawing for Symetrix 371 SPL Computer, October 30, 2000, "371flow.pdf," downloaded from <a href="http://www.symetrixaudio.com/">http://www.symetrixaudio.com/</a> on June 25, 2003, 1 page.	
<i>371 SPL Computer User's Guide Rev B.02</i> , June 2001, "371ug_0b02.pdf," downloaded from <a href="http://www.symetrixaudio.com/">http://www.symetrixaudio.com/</a> on June 25, 2003, 27 pages.	
<i>Biamp Systems Signal Processors</i> , <a href="http://www.biamp.com/products/signal/">http://www.biamp.com/products/signal/</a> , downloaded July 29, 2003, 5 pages.	
<i>ANC22 Ambient Noise Compensator Operation Manual</i> , November 2, 1998, "ancmnl.pdf," downloaded from <a href="http://www.biamp.com/">http://www.biamp.com/</a> , 14 pages.	
Brochure for Biamp ANC22 Ambient Noise Compensator, <a href="http://www.biamp.com/products/pdf/ANC22brc.pdf">http://www.biamp.com/products/pdf/ANC22brc.pdf</a> , downloaded June 25, 2003, 2 pages.	
Jubien, Chris, et al., <i>Noise Sensing Using a Variation of the nLMS Adaptive Filter with Auto Calibration</i> , <i>Mackie Industrial White Paper</i> , September 2000, downloaded from <a href="http://www.mackie.com/products/pdf/spdsp-1_wp.pdf">http://www.mackie.com/products/pdf/spdsp-1_wp.pdf</a> on June 25, 2003, 12 pages.	

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

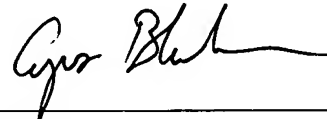
This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in

connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicants respectfully request that the listed documents be made of record in the present case.

Date: August 30, 2004

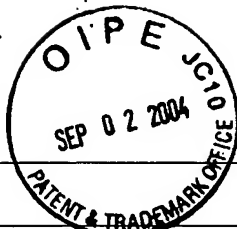
Respectfully submitted,



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Attorney for Applicants

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FORM PTO-1449	SERIAL NO. 10/669,290	CASE NO. 11336/230 (P02069US)
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 24, 2003	GROUP ART UNIT 2644
(use several sheets if necessary)		APPLICANT(S): Shuttleworth, et al.

#### REFERENCE DESIGNATION

#### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,479,237	10-23-1984	Sugasawa	285/57	02-12-1982
	A2	4,641,344	02-03-1987	Kasai et al.	281/57	01-04-1985
	A3	4,944,018	07-24-1990	Bose et al.	381/86	07-18-1989
	A4	5,208,866	05-04-1993	Kato et al.	381/107	11-27-1990
	A5	5,872,852	02-16-1999	Dougherty	381/57	09-21-1995
	A6	5,907,622	05-25-1999	Dougherty	381/57	09-21-1995

#### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

#### OTHER ART – NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

EXAMINER INITIAL		
	A7	Brochure for Lyntec CrowdComp, <a href="http://www.lyntec.com/body_c3.htm">http://www.lyntec.com/body_c3.htm</a> , downloaded June 25, 2003, 2 pages.
	A8	<i>The LynTec CrowdComp™ always knows when to speak UP</i> , <a href="http://www.lyntec.com/139-0146-01_C3_Broch.pdf">http://www.lyntec.com/139-0146-01_C3_Broch.pdf</a> , downloaded June 25, 2003, 4 pages.
	A9	<i>Symetrix 371 SPL Computer</i> , <a href="http://www.symetrixaudio.com/Products/371.htm">http://www.symetrixaudio.com/Products/371.htm</a> , downloaded June 25, 2003, 2 pages.
	A10	Datasheet for Symetrix 371 SPL Computer, 2001, "371data.pdf," downloaded from <a href="http://www.symetrixaudio.com/">http://www.symetrixaudio.com/</a> on June 25, 2003, 2 pages.
	A11	Circuit drawing for Symetrix 371 SPL Computer, October 30, 2000, "371flow.pdf," downloaded from <a href="http://www.symetrixaudio.com/">http://www.symetrixaudio.com/</a> on June 25, 2003, 1 page.
	A12	<i>371 SPL Computer User's Guide Rev B.02</i> , June 2001, "371ug_0b02.pdf," downloaded from <a href="http://www.symetrixaudio.com/">http://www.symetrixaudio.com/</a> on June 25, 2003, 27 pages.
	A13	<i>Biamp Systems Signal Processors</i> , <a href="http://www.biamp.com/products/signal/">http://www.biamp.com/products/signal/</a> , downloaded July 29, 2003, 5 pages.
	A14	<i>ANC22 Ambient Noise Compensator Operation Manual</i> , November 2, 1998, "ancmnl.pdf," downloaded from <a href="http://www.biamp.com/">http://www.biamp.com/</a> , 14 pages.
	A15	Brochure for Biamp ANC22 Ambient Noise Compensator, <a href="http://www.biamp.com/products/pdf/ANC22brc.pdf">http://www.biamp.com/products/pdf/ANC22brc.pdf</a> , downloaded June 25, 2003, 2 pages.
	A16	Jubien, Chris, et al., <i>Noise Sensing Using a Variation of the nLMS Adaptive Filter with Auto Calibration</i> , Mackie Industrial White Paper, September 2000, downloaded from <a href="http://www.mackie.com/products/pdf/spdsp-1_wp.pdf">http://www.mackie.com/products/pdf/spdsp-1_wp.pdf</a> on June 25, 2003, 12 pages.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.